

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 0327

UNITED STATES OF AMERICA

) Magistrate Docket No. 08 FEB-5 AM 11:43

) CLERK, U.S. DISTRICT COURT
Plaintiff) SOUTHERN DISTRICT OF CALIFORNIA

Plaintiff) CP

v.) DEPUTY

Arturo JIMENEZ MAYEN) COMPLAINT FOR

AKA: Adrian MEZA) VIOLATION OF:

) TITLE 18 U.S.C. § 1544

) Misuse of Passport

)

)

The undersigned complainant, being duly sworn, states:

Count 1

On or about February 4, 2008, within the Southern District of California, defendant Jose Arturo JIMENEZ MAYEN did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States, at the San Ysidro Port of Entry, by presenting a US passport number 435314527 issued in the name Adrian MEZA, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not Adrian MEZA, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport.

All in violation of Title 18, United States Code, Section 1544.

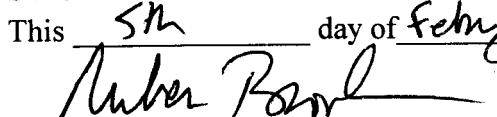
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me

This 5th day of February, 2008.



UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Richard Michael Escott, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Senior Special Agent (SSA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for eight years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.
2. During the performance of my duties, I have obtained evidence that Arturo JIMENEZ MAYEN, aka: Adrian MEZA used the passport issued for the use of another. This Affidavit is made in support of a complaint against DEFENDANT for violations of Title 18, U.S.C., Section 1544, Misuse of a Passport.
3. On 02/04/2008, at approximately 0833 hours, DEFENDANT presented himself to a Department of Homeland Security, Customs and Border Protection (CBP) Officer at the pedestrian lines of the San Ysidro Port of Entry, to apply for admission into the United States. DEFENDANT identified himself with US Passport number 435314527, bearing the name Adrian MEZA, DPOB 09/16/1979, Mexico, and a photograph that did not bear the likeness of DEFENDANT. DEFENDANT was referred for secondary inspection. In secondary inspection, DEFENDANT admitted his true name was Arturo JIMINEZ MAYEN, DPOB 07/16/1981 and a fingerprint check revealed that DEFENDANT had been removed from the United States on 10 previous occasions.
4. On 02/04/2008, the Affiant was advised by a CPB Officer at the San Ysidro POE that DEFENDANT had been detained at the secondary inspection area of the San Ysidro POE. Affiant contacted VICTIM, Adrian MEZA, who advised that his vehicle, that contained his passport and other personal belongings, was stolen in Tijuana, Mexico on 02/01/2008.
5. On 02/04/2008, at approximately 1235 hours, DEFENDANT was retrieved from the pedestrian secondary inspection area and was brought to an interview room. The Affiant, assisted by a CBP Officer, who also acted as translator when necessary, obtained consent from DEFENDANT to have his interview audio and video taped. DEFENDANT read his Miranda warning aloud in Spanish from a written copy. He indicated that he understood and waived his right to counsel. He admitted that his true name was Arturo JIMINEZ MAYEN, DPOB, 07/16/1981, Mexico City, Mexico. He stated that he was a citizen of Mexico and not a citizen of the United States. DEFENDANT admitted that on or about 02/03/2008 he and his mother made arrangements with a smuggler and promised to pay \$3,000 for a false US passport upon DEFENDANT's successful passage into the United States. DEFENDANT admitted that on 02/04/2008 he received US Passport number 435314527, in the name of Adrian MEZA from the smuggler, and subsequently used the passport the same day to apply for admission into the United States at the San Ysidro Port of Entry. DEFENDANT admitted knowing that the passport was not issued or designed for his use, and that it was illegal to use the passport of another. DEFENDANT also admitted that in the last few weeks that he attempted to illegally gain entry into the United States on

three occasions. Despite being informed that he was arrested, he admitted that he would continue to attempt illegal entry until he was successful. DEFENDANT also admitted being on state probation and knowing that he would be violating his probation by committing another offense. DEFENDANT made a recorded oral confession as to his true identity and to elements of the charge.

On the basis of the facts presented in this probable cause statement consisting of 2 pages, I have probable cause to believe that the defendant named in this probable cause statement committed the offenses on 02/04/2008 - in violation of Title 18, United States Code, Section 1544: Misuse of a passport - when he knowingly and willfully used the passport belonging to another, Adrian MEZA, knowing that it was not issued or designed for his use, in order to gain admission into the United States.



Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service